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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PETER NOCCHIERO, individually and on
behalf of all other similarly situated,

Plaintiff,

vs.

CANYON BICYCLES USA, INC.,

Defendant.

Case No. 4:25-cv-04066-HSG

**STIPULATION AND ORDER
EXTENDING PLAINTIFF'S TIME TO
RESPOND TO MOTION TO DISMISS
OR, IN THE ALTERNATIVE, AMEND
COMPLAINT**

Judge: Hon. Haywood S. Gilliam, Jr.
Date: October 2, 2025
Time: 2:00 p.m.
Room: 2 – 4th Floor

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
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Pursuant to Fed. R. Civ. P. 6 and Civil L.R. 6-2, Plaintiff PETER NOCCHIERO (“Plaintiff”) and Defendant CANYON BICYCLES USA, INC. (“Defendant”) (collectively, the “Parties”), by and through their counsel of record, hereby jointly stipulate and request the following:

WHEREAS, Plaintiff filed his Complaint in this action on May 9, 2025 [Dkt. No. 1];

WHEREAS, the Parties stipulated on June 4, 2025 to extend Defendant’s deadline to answer, move or otherwise respond to the Complaint such that Defendant had up to and including July 14, 2025 to answer, move or otherwise respond to the Complaint [Dkt. No. 11];

WHEREAS, Defendant filed a Motion to Dismiss Plaintiff’s Complaint on July 14, 2025 [Dkt. No. 25];

WHEREAS, Defendant concurrently filed a Request for Judicial Notice on July 14, 2025 [Dkt. No. 26];

WHEREAS, pursuant to Civil L.R. 7-3(a), Plaintiff’s required opposition deadline to the Motion to Dismiss is fourteen (14) days after service of the Motion to Dismiss, or July 28, 2025;

WHEREAS, pursuant to Civil L.R. 7-3(c), Defendant’s required reply deadline is seven (7) days after Plaintiff’s opposition is due, or August 4, 2025;

WHEREAS, pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiff may amend his Complaint once as a matter of course no later than 21 days after service of a responsive pleading, or August 4, 2025;

WHEREAS, the Parties have agreed to extend Plaintiff’s deadline to oppose Defendant’s Motion to Dismiss or, in the alternative, amend the Complaint such that Plaintiff has up to and including August 15, 2025 to oppose Defendant’s Motion to Dismiss or alternatively amend the Complaint;

WHEREAS, if Plaintiff elects to file opposition to Defendant’s Motion to Dismiss in lieu of filing an amended complaint, the Parties have agreed to extend the time for Defendant to submit its reply in further support of its Motion to Dismiss from seven (7) days, the deadline set by Civil L.R. 7-3(c), to fourteen (14) days after the opposition is filed;

WHEREAS, if Plaintiff elects to file an amended complaint in lieu of filing opposition to Defendant's Motion to Dismiss, the Parties have agreed to extend the time for Defendant to answer or otherwise respond to the amended complaint from fourteen (14) days, the deadline set by Fed. R. Civ. P. 15(a)(3), to twenty-one (21) days after the amended complaint is filed;

WHEREAS, if the Court grants the stipulated request to set a deadline of August 15, 2025 for Plaintiff to file either his opposition to Defendant's Motion to Dismiss or an amended complaint, the Parties agree, in accordance with the requested extensions above, that Defendant shall have up to and including August 29, 2025 to submit its reply or, alternatively, up to and including September 5, 2025 to submit its response to an amended complaint;

WHEREAS, the Parties have agreed that Plaintiff will file any objections to Defendant's Request for Judicial Notice by or on August 15, 2025;

WHEREAS, the Parties have agreed that Defendant will file any reply to Plaintiff's objections to Defendant's Request for Judicial Notice by or on August 29, 2025.

IT IS SO STIPULATED.

Dated: July 24, 2025

PHILLIPS, ERLEWINE GIVEN & CARLIN LLP

By: /s/ Nicholas A. Carlin

Nicholas A. Carlin

Nina C. Pouget

Attorneys for Plaintiff

Dated: July 24, 2025

FRESHFIELDS US LLP

By: /s/ Gayle R. Klein

Gayle R. Klein

Justina Kahn Sessions

Melanie Collins (*appearing pro hac vice*)

Nina Frant (*appearing pro hac vice*)

Attorneys for Defendant Canyon Bicycles
USA, Inc.

ATTESTATION

I, Nicholas A. Carlin, attest that all other signatures listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: July 24, 2025

By: /s/ Nicholas A. Carlin
Nicholas A. Carlin
Attorney for Plaintiff

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ORDER

For GOOD CAUSE shown, and for the reasons set forth in the Parties' stipulation, the following is hereby ordered:

1. Plaintiff's deadline to oppose Defendant's Motion to Dismiss or, in the alternative, amend the Complaint is extended such that Plaintiff has up to and including August 15, 2025 to oppose Defendant's Motion to Dismiss or amend the Complaint;

2. Defendant's deadline to reply to Plaintiff's opposition, insofar as there is one, is extended such that Defendant has up to and including August 29, 2025 to reply to Plaintiff's opposition;

3. Defendant's deadline to answer or otherwise respond to Plaintiff's amended complaint, insofar as there is one, is extended such that Defendant has up to and including September 5, 2025 to answer or otherwise respond to the amended complaint;

4. Plaintiff will file any objections to Defendant's Request for Judicial Notice by or on August 15, 2025; and

5. Defendant will file any reply to Plaintiff's objections to Defendant's Request for Judicial Notice by or on August 29, 2025.

IT IS SO ORDERED.

Dated: 7/24/2025

By: 
Hon. Haywood S. Gilliam, Jr.

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